

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Mail Stop AF
)	
Kazuto Yamamoto et al.)	Group Art Unit: 2625
)	
Application No.: 10/800,733)	Examiner: Lawrence E. Wills
)	
Filing Date: March 16, 2004)	Confirmation No.: 1040
)	
Title: ELECTRONICALLY TAGGED PRINTED)	
MATTER, IMAGE FORMING DEVICE, IMAGE)	
FORMING METHOD, AND IMAGE FORMING)	
PROGRAM, AS WELL AS COMPUTER)	
READABLE RECORDING MEDIUM ON WHICH)	
THE PROGRAM IS RECORDED)	

PRE-APPEAL BRIEF CONFERENCE REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 1, 2009, a Pre-Appeal Brief Conference is requested.

Claims 38, 41, 42, 46, 49, 50, 54 and 58-61 have been rejected under 35 U.S.C.

§103(a) over U.S. Patent No. 6,827,279 to *Teraura*, in view of U.S. Patent Application Publication No. 2004/0109194 to *Yano*, and further in view of U.S. Patent Application Publication No. 2004/0075867 to *Watanabe et al.* Claims 38, 46 and 54 are independent.

Independent claim 38 is directed to an image forming device. A reading unit reads image data from an electronic tag of an electronically tagged printed matter. Image data is printed on electronically tagged printing paper equipped with the electronic tag for storing electronic data in a certain part of the printing paper. The electronic tag stores image data printed on the electronically tagged printing paper. A second reading unit reads out modifiable attribute information corresponding to attribute information which constitutes an appearance of original image data of the image data on the electronically tagged printed matter from the electronic tag. A display unit displays the

modifiable attribute information read out by the second reading unit. A modifying unit modifies the modifiable attribute information read out by the second reading unit. A printing unit prints image data read by the reading unit based on the attribute information modified by the modifying unit.

***Teraura* Does Not Disclose an Electronic Tag That Stores Image Data Nor a Reading Unit That Reads Image Data from an Electronic Tag.**

In paragraph 1a of the December 18, 2009 Advisory Action, the Examiner argues that *Teraura* discloses a reading unit for reading image data from an electronic tag and said electronic tag stores image data printed on the electronically tagged printing paper. This assertion is respectfully traversed.

As disclosed in *Teraura* beginning at the paragraph starting at line 55 of column 7, the first reader-writer 15 is controlled by the control circuit 29 to determine whether the document paper 61 has an RFID tag 14. The control circuit 29 judges whether permission data is included in the data read from the RFID tag 14. See step B7 at Fig. 7. There is no disclosure of the RFID tag 14 storing image data or of the reading unit reading image data from the RFID tag 14. The image data that is printed in *Teraura* is read from the document paper 61. See *Teraura* at col. 9, lines 1-15. The portions of *Teraura* cited by the Examiner, col. 3, lines 10-32, refer to an RFID tag and image data but not image data contained in the RFID tag.

***Yano* Does Not Disclose a Reading Unit That Reads Out Modifiable Attribute Information, that Corresponds to Attribute Information Which Constitutes an Appearance of Original Image Data of the Image Data on an Electronically Tagged Printed Matter, from an Electronic Tag.**

The Examiner recognizes that *Teraura* fails to teach a reading unit for reading out modifiable attribute information among attribute information of the electronically tagged printed matter from the electronic tag, a display unit for displaying the modifiable attribute information, a modifying unit for modifying the modifiable attribute information and a printing unit for printing image data read by the reading unit. Applicants

respectfully disagree with the Examiner's assertion that *Yano* overcomes the deficiencies of *Teraura* noted above.

Yano discloses reading out "additional information" rather than the attribute information which comprises the image data. As disclosed in *Yano* at paragraphs [0050], [0135] and [0141], the additional information is only designed to provide additional information to the original image but does not compose the original image. For example, as disclosed in paragraphs [0135] and [0141] the original and additional information are separately output and can be separately printed.

Furthermore, in *Yano* there is no disclosure that the original or the additional information is modifiable. In *Yano* there can only be the addition of other images to original images, selection of the patterns displaying other images etc. There is no capability to modify the original image itself. The Examiner cites step 110 in Fig. 9 as a modifying unit. However, this step merely discloses printing data stored in the IC chip. The Examiner also identifies element 510 as the modifying unit. However, paragraph [0102] of *Yano* merely discloses that UI section 510 controls the UI apparatus 26 to display selection information. Selection information prompts the user to select the additional information to be printed out. Paragraph [0104] of *Yano* states that a user may designate an output format. As shown in Fig. 9, the output format is "Only Data of IC Chip" or "Original Image and Data of IC Chip." There is no disclosure of a modifying unit for modifying the modifiable attribute information read out by the second reading unit nor any disclosure of reading out modifiable attribute information corresponding to attribute information which constitutes an appearance of original image data as in Applicants' independent claim 38.

***Watanabe* Does not Disclose Modifiable Attribute Information**

Applicants respectfully disagree with the Examiner's assertion that *Watanabe* disclose modifiable attribute information. *Watanabe* discloses at paragraph [0133] that

the information stored on the IC chip 3 may be area data and attribute data. An attribute of a text is defined in paragraph [0013] of *Watanabe* as, for example, a character, numeral, symbol, which are printed by a predetermined font and an attribute of a picture maybe a drawing and photograph. See also paragraph [0014] and Figs. 4 and 11 where text and picture are given as examples of attribute data. However, none of these are disclosed as being subject to modification.

The Examiner alleges that paragraph [0140] of *Watanabe* discloses that the area data and the attribute data are modifiable by the image processing section. This assertion is specifically traversed. Instead, *Watanabe* discloses that when the area comparing section 590 judges that the text/picture separation result is completely coincident with the area data and the attribute data, the second image processing program is advanced to the process operation step 113. However, when the area comparing section 590 judges that the text/picture separation result is not completely coincident with the area data and the attribute data, but instead is coincident with these data at a higher level than or equal to a predetermined value, the second image processing program 52 is advanced to a process operation of a step 116. In the processing operation defined in step 116 the image processing section 550 corrects a portion where the text/picture separation result is not coincident with the area data and the attribute data by using the area data and the attribute data. There is no disclosure in paragraph [0140] that says the area data and the attribute data are modifiable. To the contrary, the image processing section 550 corrects the text/picture separation result based on the non-modifiable area data and attribute data to ensure that the separation result is completely coincident. If the goal in *Watanabe* is to insure the separation result is coincident with the area data and the attribute data, it does not appear to be logical for these data to be modifiable. There is no disclosure of a modifying unit for modifying the modifiable attribute information read out by the second reading unit nor any disclosure of

reading out modifiable attribute information corresponding to attribute information which constitutes an appearance of original image data as in Applicants' independent claim 38.

Independent claims 46 and 54 are allowable for reasons similar to those discussed above with respect to independent claim 38.

The dependent claims are also patentable for at least the reasons set forth above with respect to the independent claims from which they depend, as well as for the individual features they recite. For example, dependent claim 60 recites the modifiable attribute information corresponds to at least one of the image data's color, resolution, font size, font color, and font type. Paragraph [0163] of Watanabe relates to synthesizing the picture image input from the selecting section with the font image of the text data and then outputting the synthesized image to the printing section. None of this relates to modifying the attributes listed in claim 60 and this feature is not disclosed by *Teraura*, *Yano* or *Watanabe*, either alone or in combination.

As discussed above, the U.S. Patent and Trademark Office has not established a *prima facie* case in support of the rejection because of the factual deficiencies in the rejections.

In the event there are any questions concerning this request, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: February 1, 2010

By: 

Michael Britton
Registration No. 47260

Customer No. 21839
703 836 6620